
HOUSE BILL 3201

State of Washington 60th Legislature 2008 Regular Session

By Representatives Simpson and Sullivan

Read first time 01/24/08. Referred to Committee on Local Government.

1 AN ACT Relating to providing for the election of a board of
2 commissioners for regional fire protection service authorities;
3 amending RCW 52.26.020 and 52.26.080; and adding new sections to
4 chapter 52.26 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 52.26.020 and 2006 c 200 s 1 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) Unless indicated otherwise, "board" means the governing body of
11 a regional fire protection service authority, including both the board
12 initially appointed at the time of the formation of the authority and
13 the subsequently elected board of commissioners taking office in
14 accordance with requirements of this chapter.

15 (2) "Appointed board" means the governing body of a regional fire
16 protection service authority initially appointed upon the formation of
17 a regional fire protection service authority.

18 (3) "Elected board" or "board of commissioners" means the governing

1 body of a regional fire protection service authority elected in
2 accordance with the requirements of this chapter.

3 (4) "Commissioner" means a member of an elected board of
4 commissioners.

5 (5) "Regional fire protection service authority" or "authority"
6 means a municipal corporation, an independent taxing authority within
7 the meaning of Article VII, section 1 of the state Constitution, and a
8 taxing district within the meaning of Article VII, section 2 of the
9 state Constitution, whose boundaries are coextensive with two or more
10 adjacent fire protection jurisdictions and that has been created by a
11 vote of the people under this chapter to implement a regional fire
12 protection service authority plan.

13 ~~((+3))~~ (6) "Regional fire protection service authority planning
14 committee" or "planning committee" means the advisory committee created
15 under RCW 52.26.030 to create and propose to fire protection
16 jurisdictions a regional fire protection service authority plan to
17 design, finance, and develop fire protection and emergency service
18 projects.

19 ~~((+4))~~ (7) "Regional fire protection service authority plan" or
20 "plan" means a plan to develop and finance a fire protection service
21 authority project or projects, including, but not limited to, specific
22 capital projects, fire operations and emergency service operations
23 pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of
24 existing or future facilities.

25 ~~((+5))~~ (8) "Fire protection jurisdiction" means a fire district,
26 city, town, port district, or Indian tribe.

27 ~~((+6))~~ (9) "Regular property taxes" has the same meaning as in RCW
28 84.04.140.

29 **Sec. 2.** RCW 52.26.080 and 2004 c 129 s 8 are each amended to read
30 as follows:

31 (1) Upon the formation of an authority, the governing body will be
32 a temporary, appointed board determined in accordance with the plan and
33 consisting solely of elected officials holding office in the
34 participating entities.

35 (2) The appointed board shall be replaced by an elected board of
36 commissioners in accordance with the requirements of this chapter. The
37 elected board of commissioners shall consist of five members initially

1 elected at the first general election occurring after the passage of
2 three years following the formation of the authority. The
3 commissioners must be registered voters within the jurisdictional
4 boundaries of the authority.

5 (3) The board shall adopt rules for the conduct of business. The
6 board shall adopt bylaws to govern authority affairs, which may
7 include:

- 8 (a) The time and place of regular meetings;
9 (b) Rules for calling special meetings;
10 (c) The method of keeping records of proceedings and official acts;
11 (d) Procedures for the safekeeping and disbursement of funds; and
12 (e) Any other provisions the board finds necessary to include.

13 ~~((2) The governing board shall be determined by the plan and~~
14 ~~consist solely of elected officials.))~~

15 NEW SECTION. Sec. 3. The initial five members of the elected
16 board of commissioners shall be elected at the first general election
17 occurring after the passage of three years following the formation of
18 the authority. Candidates shall file for not more than one of the five
19 separate commissioner positions. Elections shall be held as provided
20 in chapter 29A.52 RCW, with the county auditor opening up a special
21 filing period as provided in RCW 29A.24.171 and 29A.24.181, as if there
22 were a vacancy. The person who receives the greatest number of votes
23 for each position shall be elected to that position. The terms of
24 office of the initial commissioners shall be staggered as follows: (1)
25 The two persons elected receiving the greatest number of votes shall be
26 elected to six-year terms of office if the election is held in an odd-
27 numbered year or five-year terms of office if the election is held in
28 an even-numbered year; (2) the two persons elected receiving the next
29 greatest number of votes shall be elected to a four-year term of office
30 if the election is held in an odd-numbered year or a three-year term of
31 office if the election is held in an even-numbered year; (3) the other
32 person elected shall be elected to a two-year term of office if the
33 election is held in an odd-numbered year or a one-year term of office
34 if the election is held in an even-numbered year. The initial
35 commissioners shall take office immediately when elected and qualified
36 and their terms of office shall be calculated from the first day of
37 January in the year following their election.

1 The term of office of each subsequent commissioner shall be six
2 years. Each commissioner shall serve until a successor is elected and
3 qualified and assumes office in accordance with RCW 29A.20.040.

4 NEW SECTION. **Sec. 4.** Elections to elect the members of the board
5 of commissioners shall be conducted by the election officials of the
6 county or counties in which the authority is located in accordance with
7 the general election laws of the state. Such elections shall be held
8 in accordance with RCW 29A.04.321 and 29A.04.330.

9 NEW SECTION. **Sec. 5.** Each member of the board of commissioners
10 shall receive ninety dollars per day or portion thereof, not to exceed
11 eight thousand six hundred forty dollars per year, for time spent in
12 actual attendance at official meetings of the board or in performance
13 of other services or duties on behalf of the authority.

14 In addition, they shall receive necessary expenses incurred in
15 attending meetings of the board or when otherwise engaged in authority
16 business, and shall be entitled to receive the same insurance available
17 to all firefighters of the authority. The premiums for such insurance,
18 except liability insurance, shall be paid by the individual
19 commissioners who elect to receive it.

20 Any commissioner may waive all or any portion of his or her
21 compensation payable under this section as to any month or months
22 during his or her term of office, by a written waiver filed with the
23 secretary as provided in this section. The waiver, to be effective,
24 must be filed any time after the commissioner's election and prior to
25 the date on which the compensation would otherwise be paid. The waiver
26 shall specify the month or period of months for which it is made.

27 The board of commissioners shall fix the compensation to be paid
28 the secretary and all other agents and employees of the district. The
29 board of commissioners may, by resolution adopted by unanimous vote,
30 authorize any of its members to serve as volunteer firefighters without
31 compensation. A commissioner actually serving as a volunteer
32 firefighter may enjoy the rights and benefits of a volunteer
33 firefighter.

34 The dollar thresholds established in this section must be adjusted
35 for inflation by the office of financial management every five years,
36 beginning July 1, 2009, based upon changes in the consumer price index

1 during that time period. "Consumer price index" means, for any
2 calendar year, that year's annual average consumer price index, for
3 Washington state, for wage earners and clerical workers, all items,
4 compiled by the bureau of labor and statistics, United States
5 department of labor. If the bureau of labor and statistics develops
6 more than one consumer price index for areas within the state, the
7 index covering the greatest number of people, covering areas
8 exclusively within the boundaries of the state, and including all items
9 shall be used for the adjustments for inflation in this section. The
10 office of financial management must calculate the new dollar threshold
11 and transmit it to the office of the code reviser for publication in
12 the Washington State Register at least one month before the new dollar
13 threshold is to take effect.

14 A person holding office as commissioner for two or more special
15 purpose districts shall receive only that per diem compensation
16 authorized for one of his or her commissioner positions as compensation
17 for attending an official meeting or conducting official services or
18 duties while representing more than one of his or her districts.
19 However, such commissioner may receive additional per diem compensation
20 if approved by resolution of all boards of the affected commissions.

21 NEW SECTION. **Sec. 6.** The polling places for a regional fire
22 protection service authority election may be located inside or outside
23 the boundaries of the authority, as determined by the auditor or
24 auditors of the county or counties in which the fire protection
25 district is located, and the elections of the fire protection district
26 shall not be held to be irregular or void on that account.

27 NEW SECTION. **Sec. 7.** Vacancies on a board of commissioners shall
28 occur as provided in chapter 42.12 RCW. In addition, if a commissioner
29 is absent from the authority for three consecutive regularly scheduled
30 meetings unless by permission of the board, the office shall be
31 declared vacant by the board of commissioners. However, such an action
32 shall not be taken unless the commissioner is notified by mail after
33 two consecutive unexcused absences that the position will be declared
34 vacant if the commissioner is absent without being excused from the
35 next regularly scheduled meeting. Vacancies on a board of
36 commissioners shall be filled as provided in chapter 42.12 RCW.

1 NEW SECTION. **Sec. 8.** Before beginning the duties of office, each
2 commissioner shall take and subscribe the official oath for the
3 faithful discharge of the duties of office as required by RCW
4 29A.04.133, which oath shall be filed in the office of the auditor of
5 the county in which all, or the largest portion, of the authority is
6 located.

7 NEW SECTION. **Sec. 9.** The commissioners shall elect a chairman
8 from their number and shall appoint a secretary of the authority, who
9 may or may not be a member of the board, for such term as they shall by
10 resolution determine. The secretary, if a member of the board, shall
11 not receive additional compensation for serving as secretary.

12 The secretary of the authority shall keep a record of the
13 proceedings of the board, shall perform other duties as prescribed by
14 the board or by law, and shall take and subscribe an official oath
15 similar to that of the commissioners which oath shall be filed in the
16 same office as that of the commissioners.

17 NEW SECTION. **Sec. 10.** The board of commissioners shall hold
18 regular monthly meetings at a place and date as it determines by
19 resolution, and may adjourn its meetings as required for the proper
20 transaction of business. Special meetings of the board of
21 commissioners shall be called at any time under the provisions of RCW
22 42.30.080.

23 NEW SECTION. **Sec. 11.** All meetings of the board of commissioners
24 shall be conducted in accordance with chapter 42.30 RCW and a majority
25 constitutes a quorum for the transaction of business. All records of
26 the board of commissioners shall be open to inspection in accordance
27 with chapter 42.56 RCW. Subject to the requirements of the regional
28 fire protection service authority plan, the board of commissioners has
29 the power and duty to adopt a seal of the authority, to manage and
30 conduct the business affairs of the authority, to make and execute all
31 necessary contracts, to employ any necessary services, and to adopt
32 reasonable rules to govern the authority and to perform its functions,
33 and generally to perform all such acts as may be necessary to carry out
34 the objects of the creation of the authority.

1 NEW SECTION. **Sec. 12.** The board of commissioners of an authority
2 may adopt a resolution by unanimous vote causing a ballot proposition
3 to be submitted to voters of the authority authorizing the creation of
4 commissioner districts. The board of commissioners shall create
5 commissioner districts if the ballot proposition authorizing the
6 creation of commissioner districts is approved by a simple majority
7 vote of the voters of the authority voting on the proposition. No two
8 commissioners may reside in the same commissioner district.

9 No change in the boundaries of any commissioner district shall be
10 made within one hundred twenty days next before the date of a general
11 district election, nor within twenty months after the commissioner
12 districts have been established or altered. However, if a boundary
13 change results in one commissioner district being represented by two or
14 more commissioners, those commissioners having the shortest unexpired
15 terms shall be assigned by the commission to commissioner districts
16 where there is a vacancy, and the commissioners so assigned shall be
17 deemed to be residents of the commissioner districts to which they are
18 assigned for purposes of determining whether those positions are
19 vacant.

20 The population of each commissioner district shall include
21 approximately equal population. Commissioner districts shall be
22 redrawn as provided in chapter 29A.76 RCW. Commissioner districts
23 shall be used as follows: (1) Only a registered voter who resides in
24 a commissioner district may be a candidate for, or serve as, a
25 commissioner of the commissioner district; and (2) only voters of a
26 commissioner district may vote at a primary to nominate candidates for
27 a commissioner of the commissioner district. Voters of the entire
28 authority may vote at a general election to elect a person as a
29 commissioner of the commissioner district.

30 NEW SECTION. **Sec. 13.** Sections 3 through 12 of this act are each
31 added to chapter 52.26 RCW.

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